

February 13, 2014

CASES

No. 2
Executive Plaza, LLC,
Appellant,
v.
Peerless Insurance Company,
Respondent.

Following certification of a question by the United States Court of Appeals for the Second Circuit and acceptance of the question by this Court pursuant to section 500.27 of this Court's Rules of Practice, and after hearing argument by counsel for the parties and consideration of the briefs and the record submitted, certified question answered in the affirmative.
Opinion by Judge Smith.
Chief Judge Lippman and Judges Graffeo, Read, Pigott, Rivera and Abdus-Salaam concur.

1 No. 12
The People &c.,
Respondent,
v.
Victor Gonzalez,
Appellant.

Order reversed and a new trial ordered.
Opinion by Judge Abdus-Salaam.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott and Rivera concur.

4 No. 87 SSM 43
The People &c.,
Respondent,
v.
Dwight Moss,
Appellant.

On review of submissions pursuant to section 500.11 of the Rules, order reversed, without costs, and case remitted to Supreme Court, Monroe County, for further proceedings in accordance with the memorandum herein.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

2 No. 1
New York Hospital Medical Center of
Queens,
 Appellant,
 v.
Microtech Contracting Corp.,
 Respondent.

Order affirmed, with costs, and certified question not answered upon the ground that it is unnecessary.
Opinion by Judge Read.
Chief Judge Lippman and Judges Graffeo, Smith, Pigott, Rivera and Abdus-Salaam concur.

 No. 88
Roberto Ramos, et al., individually and on behalf of all other persons similarly situated,
 Appellants,
 v.
SimplexGrinell LP, John Doe Bonding Companies, #1-3,
 Respondents.

Certification of questions by the United States Court of Appeals for the Second Circuit, pursuant to section 500.27 of this Court's Rules of Practice, accepted and the issues presented are to be considered after briefing and argument.
Chief Judge Lippman and Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

4 No. 3
The People &c.,
 Respondent,
 v.
Lance J. Reed.
 Appellant.

Order affirmed.
Opinion by Judge Pigott.
Judges Graffeo, Read and Smith concur.
Chief Judge Lippman dissents and votes to reverse in an opinion in which Judges Rivera and Abdus-Salaam concur.

4 No. 4
The People &c.,
 Respondent,
 v.
David W. Schreier,
 Appellant.

Order affirmed.
Opinion by Chief Judge Lippman.
Judges Graffeo, Read, Smith, Pigott, Rivera and Abdus-Salaam concur.

1 No. 7
The People &c.,
 Respondent,
 v.
Mikal Smith,
 Appellant.

Order affirmed, in a memorandum.
Chief Judge Lippman and Judges Graffeo, Read,
Smith, Pigott and Rivera concur.
Judge Abdus-Salaam took no part.

1 No. 5
The People &c.,
 Respondent,
 v.
Alias Stone,
 Appellant.

Order affirmed.
Opinion by Judge Graffeo.
Chief Judge Lippman and Judges Read, Smith, Pigott
and Rivera concur.
Judge Abdus-Salaam took no part.

MOTIONS

1 Mo. No. 2013-1247
The People &c.,
 Respondent,
 v.
Carlos Abreu,
 Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

3 SSD 4
In the Matter of Sofia Becker,
 Appellant.
Commissioner of Labor,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that the order appealed from does not finally determine the proceeding within the meaning of the Constitution.

1 Mo. No. 2013-1257
Nata Bob,
 Appellant,
 v.
Steve Cohen, et al.,
 Respondents.

Motion for reargument of motion for leave to appeal denied.
Judge Abdus-Salaam took no part.

4 Mo. No. 2013-1213
Antonio Brown,
 Appellant,
 v.
State of New York,
 Respondent.

Motion for leave to appeal dismissed upon the ground that the orders sought to be appealed from do not finally determine the action within the meaning of the Constitution.

2 Mo. No. 2013-1231
In the Matter of Alexander C. (Anonymous).

Suffolk County Department of Social
Services,
Respondent;
Cassandra C. (Anonymous),
Appellant.
(And Another Proceeding.)

Motion for leave to appeal denied.

3 Mo. No. 2014-150
Cooperstown Holstein Corporation,
Appellant,
v.
Town of Middlefield,
Respondent.

Motion by New York Farm Bureau for leave to
appear amicus curiae on the appeal herein granted
only to the extent that the proposed brief is accepted
as filed. Three copies of the brief must be served
and an original and nine copies filed within seven
days.

3 Mo. No. 2014-64
In the Matter of Pablo Costello,
Appellant,
v.
New York State Board of Parole
et al.,
Respondents.

Motion by Robert Dennison et al. for leave to file a
brief amici curiae on the appeal herein granted and
the proposed brief is accepted as filed. Three copies
of the brief must be served and an original and nine
copies filed within seven days.

1 Mo. No. 2014-69
The People &c.,
Respondent,
v.
Alexander Dockery,
Also Known as John Harris,
Appellant.

Motion by Youth Represent for leave to appear
amicus curiae on the appeal herein granted only to
the extent that the proposed brief is accepted as filed.
Three copies of the brief must be served and an
original and nine copies filed within seven days.
Judge Abdus-Salaam took no part.

2 Mo. No. 2014-126
The People &c.,
 Appellant,
 v.
Jermaine Dunbar,
 Respondent.

Motion by Legal Aid Society for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2014-83
In the Matter of Empire Center for New York
State Policy,
 Appellant,
 v.
Teachers' Retirement System of the City of
New York,
 Respondent.

Motion by The Albany Times Union et al. for leave to appear amici curiae on the appeals herein granted only to the extent that the proposed brief is accepted as filed.
Judge Abdus-Salaam took no part.

In the Matter of Empire Center for New York
State Policy,
 Appellant,
 v.
New York State Teachers' Retirement
System,
 Respondent.

1 Mo. No. 2014-161
In the Matter of Empire Center for New York
State Policy,
 Appellant,
 v.
Teachers' Retirement System of the City of
New York,
 Respondent.

In the Matter of Empire Center for New York
State Policy,
 Appellant,
 v.
New York State Teachers' Retirement
System,
 Respondent.

3 Mo. No. 2013-1176
In the Matter of Antonio Flores,
 Appellant,
 v.
Brian Fischer, &c.,
 Respondent.

1 Mo. No. 2014-96
In the Matter of Gregory Floyd,
 Respondent,
 v.
City of New York, et al.,
 Appellants.
(And Ten Other Proceedings.)

1 Mo. No. 2014-88
The People &c.,
 Respondent,
 v.
Benny Garay,
 Appellant.

Motion by New York State Public Employees
Federation, AFL-CIO for leave to appear amicus
curiae on the appeals herein granted only to the
extent that the proposed brief is accepted as filed.
Three copies of the brief must be served and an
original and nine copies filed within seven days.
Judge Abdus-Salaam took no part.

Motion for leave to appeal denied.

Motion by Municipal Labor Committee for leave to
file a brief amicus curiae on the appeal herein
granted and the proposed brief is accepted as filed.
Three copies of the brief must be served and an
original and nine copies filed within seven days.

Motion for assignment of counsel granted and Steven
Banks, Esq., The Legal Aid Society, 199 Water
Street, New York, NY 10038 assigned as counsel to
the appellant on the appeal herein.

2 Mo. No. 2013-1121
Michael Goldman,
 Appellant,
 v.
Richard R. Rio, et al.,
 Respondents.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the action within the meaning of the Constitution.

3 Mo. No. 2013-1254
In the Matter of Lisa A. Guild,
 Respondent,
 v.
Reggie A. Clifford,
 Appellant.
(And Two Other Related Proceedings.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.

2 Mo. No. 2013-1238
In the Matter of Jaqwan H. (Anonymous).

Suffolk County Department of Social
Services,
 Respondent;
Shahida H. (Anonymous),
 Appellant.
(And Another Proceeding.)

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceedings within the meaning of the Constitution.

2 Mo. No. 2013-1174
The People &c.,
 Respondent,
 v.
Prince Johnson,
 Appellant.

Motion for leave to appeal denied.
Motion for poor person relief dismissed as academic.

1 Mo. No. 2013-1191
In the Matter of Kingdon Capital
Management, LLC,
 Respondent,
 v.
Marjorie Kaufman,
 Appellant.

Motion for leave to appeal denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2013-1239
In the Matter of Nasir Levon L., &c.

Ashley Bernadette B.,
 Appellant;
Jewish Child Care Association of New York,
 Respondent.

Motion for leave to appeal dismissed upon the ground that the order sought to be appealed from does not finally determine the proceeding within the meaning of the Constitution.

2 Mo. No. 2014-127
The People &c.,
 Appellant,
 v.
Collin F. Lloyd-Douglas,
 Respondent.

Motion by New York Civil Liberties Union et al. for leave to appear amici curiae on the appeals herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

The People &c.,
 Appellant,
 v.
Eugene Polhill,
 Respondent.

The People &c.,
 Appellant,
 v.
Jermaine Dunbar,
 Respondent.

1 Mo. No. 2014-99
Patrick Lynch, &c., et al.,
Respondents,
v.
The City of New York, et al.,
Appellants.

Motion by Sergeants Benevolent Association of the City of New York, Inc. for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2014-125
Patrick Lynch, &c., et al.,
Respondents,
v.
The City of New York, et al.,
Appellants.

Motion by Uniformed Firefighters Association of Greater New York, Local 94, IAFF, AFL-CIO for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed.

1 Mo. No. 2014-111
The People &c.,
Respondent,
v.
Antonio Martinez,
Appellant.

Motion for assignment of counsel granted and Robert S. Dean, Esq., Center for Appellate Litigation, 74 Trinity Place, 11th Floor, New York, NY 10006 assigned as counsel to the appellant on the appeal herein.

1 Mo. No. 2014-70
Norex Petroleum Limited,
Appellant,
v.
Leonard Blavatnik, et al.,
Respondents.

Motion by Jonathan R. Siegel for leave to file a brief amicus curiae on the appeal herein granted and the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

SSD 6
New York State Higher Education Services Corporation,
Respondent,
v.
Anthony Sears,
Appellant.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that it does not lie (see NY Const, art VI, § 3; CPLR 5601).

2 Mo. No. 2013-1226

April Pearse,
Plaintiff,

v.

Valerie Delehanty, &c.,
Defendant.

Parker Waichman,
Nonparty-Appellant;
Grace & Grace,
Nonparty-Respondent.

Motion for leave to appeal denied.

1 Mo. No. 2013-1167

Nandkumar Ramkumar,
Appellant,

v.

Grand Style Transportation Enterprises Inc.,
et al.,
Respondents.

Grand Style Transportation Enterprises Inc.,
et al., Respondents,

v.

Georgina D. Castillo,
Third-Party Respondent.

Motion for reargument denied with one hundred dollars costs and necessary reproduction disbursements.

1 Mo. No. 2013-1168

Nandkumar Ramkumar,
Appellant,

v.

Grand Style Transportation Enterprises Inc.,
et al.,
Respondents.

Grand Style Transportation Enterprises Inc.,
et al., Respondents,

v.

Georgina D. Castillo,
Third-Party Respondent.

Motion by The Defense Association of New York, Inc. for leave to appear amicus curiae on the motion for reargument herein granted and the affirmation is accepted as filed.

1 Mo. No. 2013-1244
Nandkumar Ramkumar,
 Appellant,
 v.
Grand Style Transportation Enterprises Inc.,
et al.,
 Respondents.

Grand Style Transportation Enterprises Inc.,
et al., Respondents,
 v.
Georgina D. Castillo,
 Third-Party Respondent.

4 Mo. No. 2013-1250
The People &c.,
 Respondent,
 v.
Eugene Rivera,
 Appellant.

2 Mo. No. 2013-1129
The People &c.,
 Respondent,
 v.
Walter Roache,
 Appellant.

1 Mo. No. 2013-1224
Pano Seretis, &c.,
 Appellant,
 v.
Fashion Vault Corp., et al.,
 Respondents.

Motion by New York State Trial Lawyers
Association for leave to appear amicus curiae on the
motion for reargument herein granted and the
affirmation is accepted as filed.

Motion for leave to appeal denied.

Motion for leave to appeal denied.

Motion for leave to appeal denied with one hundred
dollars costs and necessary reproduction
disbursements.

3 SSD 5
In the Matter of Mark A. Sterne,
 Appellant.
Commissioner of Labor,
 Respondent.

Appeal dismissed without costs, by the Court sua sponte, upon the ground that no substantial constitutional question is directly involved.

3 Mo. No. 2014-104
In the Matter of Mark S. Wallach, as Chapter
7 Trustee for Norse Energy Corp. USA,
 Appellant,
 v.
Town of Dryden et al.,
 Respondents.

Motion by Washington Legal Foundation for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

3 Mo. No. 2014-149
In the Matter of Mark S. Wallach, as Chapter
7 Trustee for Norse Energy Corp. USA,
 Appellant,
 v.
Town of Dryden et al.,
 Respondents.

Motion by New York Farm Bureau for leave to appear amicus curiae on the appeal herein granted only to the extent that the proposed brief is accepted as filed. Three copies of the brief must be served and an original and nine copies filed within seven days.

1 Mo. No. 2013-1245
In the Matter of Grigoriy Zaltsman,
 Appellant,
 v.
New York City Housing Authority,
 Respondent.

Motion for leave to appeal denied.